

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DIANE H. MURRAY,	§	
	§	No. 95, 2010
Plaintiff Below,	§	
Appellant,	§	Court Below—Superior Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
AMERICAN SUZUKI MOTOR	§	
CORPORATION,	§	
	§	
Defendant Below,	§	C.A. No. 09C-10-103
Appellee.	§	

Submitted: February 19, 2010

Decided: February 22, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

ORDER

This 22nd day of February 2010, it appears to the Court that:

(1) The plaintiff/appellant, Diane H. Murray (“Murray”), has petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to certify an interlocutory appeal from the Superior Court’s January 25, 2010 order that dismissed as untimely Murray’s breach of warranty claim brought pursuant to the federal Magnuson-Moss Warranty Improvement Act and the portion of Murray’s Delaware Consumer Fraud Act claim that alleged failure to comply with warranties. By order dated February 17, 2010, the

Superior Court denied Murray's application for certification of the interlocutory appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the Superior Court's January 25, 2010 order according to the criteria set forth in Rule 42 and have concluded that exceptional circumstances as would merit review of the order do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Carolyn Berger
Justice